

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Administration of the North American)	CC Docket No. 99-200
Numbering Plan)	
)	
Vonage Holdings Corp. Petition for Limited)	
Waiver of Section 52.15(g)(2)(i) of the)	
Commission's Rules Regarding Access)	
to Numbering Resources)	

**QWEST COMMUNICATIONS INTERNATIONAL INC.'S
RESPONSE TO EMERGENCY REQUEST FOR EXPEDITED APPROVAL OF
VONAGE'S PETITION FOR LIMITED WAIVER OF SECTION 52.15(g)(2)(i)**

Qwest Communications International Inc. ("Qwest"), on behalf of its wireline and IP-enabled operations,¹ responds to Vonage Holdings Corporation's ("Vonage") "Emergency Request for Expedited Approval of Vonage's Petition for Limited Waiver of Section 52.15(g)(2)(i)" filed May 26, 2005 ("Emergency Request") as follows:²

On March 4, 2005, Vonage filed a "Petition for Limited Waiver" (the "Petition") with the Federal Communications Commission ("Commission").³ In the Petition, Vonage asks that the Commission grant Vonage a limited waiver of Section 52.15(g)(2)(i) of the Commission's rules

¹ Thus, on behalf of Qwest Corporation and Qwest Communications Corporation that houses its IP-enabled operations.

² See Vonage Emergency Request, *In the Matter of Vonage Holdings Corp. Petition for Limited Waiver of Section 52.15(g)(2)(i) of the Commission's Rules Regarding Access to Numbering Resources*, CC Docket No. 99-200, filed May 26, 2005.

³ See Petition for Limited Waiver, *In the Matter of Vonage Holdings Corp. Petition for Limited Waiver of Section 52.15(g)(2)(i) of the Commission's Rules Regarding Access to Numbering Resources*, CC Docket No. 99-200, filed Mar. 4, 2005; see also *Public Notice*, 20 FCC Rcd 5378 (2005).

to allow Vonage to obtain numbering resources directly from the North American Numbering Plan Administrator (“NANPA”) and/or the Pooling Administrator (“PA”) in a manner comparable to the waiver previously granted to SBC Internet Services, Inc. (“SBC-IS”).⁴ In the Petition, Vonage requested, as did SBC-IS, that its limited waiver be extended until such time as the Commission adopts final numbering rules either through the North American Numbering Council (“NANC”) or in the *IP-Enabled Services* proceeding.⁵ Finally, in the Petition, Vonage also stipulated that “Vonage will comply with all of the conditions established by the Commission in the [*SBC-IS Numbering Waiver Order*].”⁶

On March 11, 2005, the Commission issued a public notice seeking comment on the Petition and other similar waiver petitions filed by other parties.⁷ The Commission established a comment schedule for these petitions that called for initial comments to be filed by April 11, 2005 and reply comments to be filed by April 26, 2005. Numerous parties filed comments regarding the Petition and the other similar petitions filed by other parties.

The Emergency Request is procedurally improper and should be denied on those grounds alone – at least until adequate opportunity for comment is provided so that interested parties can have an adequate understanding of what Vonage is proposing. In the *SBC-IS Numbering Waiver Order*, in granting SBC-IS’s request for a limited waiver, the Commission, in order to “ensure that the public interest is protected,” limited the SBC-IS waiver by imposing certain express

⁴ Vonage Petition at 1-2, 4-6, 8; *see also In the Matter of Administration of the North American Numbering Plan*, Order, CC Docket No. 99-200, FCC 05-20 (rel. Feb. 1, 2005) (“*SBC-IS Numbering Waiver Order*”). SBC-IS filed its Petition for Limited Waiver on July 7, 2004.

⁵ Vonage Petition at 6; *see also In the Matter of IP-Enabled Services*, Notice of Proposed Rulemaking, 19 FCC Rcd 4863 (2004) (“*IP-Enabled Services NPRM*”).

⁶ Vonage Petition at 2 (footnote omitted); *see also id.* at 6.

⁷ Public Notice, DA 05-663, rel. Mar. 11, 2005.

conditions.⁸ Among things, the Commission specifically required that “SBCIS ... file any requests for numbers with the Commission and the relevant state commission at least thirty days prior to requesting numbers from the NANPA or the PA.”⁹ The Commission also expressly required, as a condition to the waiver, that SBC-IS comply with the “facilities readiness” requirement set forth in section 52.15(g)(2)(ii) of the Commission’s Rules.¹⁰ The Emergency Request now asks that the Commission grant Vonage’s pending Petition “as soon as possible” while simultaneously asking for “certain changes in the proposed conditions of the waiver.”¹¹ Namely, Vonage now asks that it be granted a waiver without complying with the conditions imposed on SBC-IS in the *SBC-IS Numbering Waiver Order*. In other words, Vonage purports to seek expedited treatment of its March 4, 2005 Petition while simultaneously requesting new relief not stated in that document but instead sought in its May 26, 2005 Emergency Request.

⁸ *SBC-IS Numbering Waiver Order* ¶¶ 4, 9.

⁹ *Id.*

¹⁰ *Id.* ¶ 10.

¹¹ Vonage Emergency Request at 2.

To say that Vonage's Emergency Request is procedurally irregular is an understatement. Qwest respectfully requests that the Commission deny the Emergency Petition or at least give an adequate opportunity for comment before acting upon it.

Respectfully submitted,

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June 6, 2005

CERTIFICATE OF SERVICE

I, Richard Grozier, do hereby certify that I have caused the foregoing **QWEST COMMUNICATIONS INTERNATIONAL INC.'S RESPONSE TO EMERGENCY REQUEST FOR EXPEDITED APPROVAL OF VONAGE'S PETITION FOR LIMITED WAIVER OF SECTION 52.15(g)(2)(i)** to be filed with the FCC via its Electronic Comment Filing System in CC Docket No. 99-200, a copy served via e-mail on Ms. Sheryl Todd of the Telecommunications Access Policy Division, Wireline Competition Bureau, at sheryl.todd@fcc.gov, a copy served via e-mail on the FCC's duplicating contractor, Best Copy and Printing, Inc., at fcc@bcpiweb.com, and a copy served on the party on the attached service list, via First Class United States mail, postage prepaid.

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